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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,904	10/12/2004	Paul E. Miller	71368-0071	5903

20915 7590 11/01/2007  
MCGARRY BAIR PC  
32 Market Ave. SW  
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GRAND RAPIDS, MI 49503

EXAMINER
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CHEN, SHIH CHAO

ART UNIT	PAPER NUMBER
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2821

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,904	MILLER, PAUL E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shih-Chao Chen	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on October 15, 2007 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/711,904 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al. (U.S. Patent No. 6,215,446).

Regarding claim 1, Sullivan et al. teaches in figures 1-10 an antenna comprising a mount assembly [14], a whip assembly [20], and a junction [16] connecting the whip assembly to the mount assembly, each of the mount assembly and the whip assembly having a transmission line [64] (See col. 1, lines 66-67 & col. 2, lines 1-7) adapted to be connected to each other at the junction by at least one connection, wherein the junction [16] has a key [44] and a keyway [26] so that the whip assembly can be joined to the mount assembly in no more than one alignment and thereby avoid twisting and abrading the at least one connection.

Regarding claim 9, Sullivan et al. teaches in figures 1-10 an antenna comprising a lower section assembly [14], an upper section assembly [20] and a junction [16]

connecting the lower section assembly to the upper section assembly, each of the lower section assembly and the upper section assembly having a transmission line [64] (See col. 1, lines 66-67 & col. 2, lines 1-7) adapted to be connected to each other by at least one connection for transmitting signals between the lower section assembly and the upper section assembly, wherein the junction has a key [44] and a keyway [26] so that the lower section assembly can be joined to the upper section assembly in no more than one alignment and thereby avoid twisting and abrading the at least one connection.

Regarding claim 10, Sullivan et al. teaches in figures 1-10 the antenna according to claim 9 wherein the keyway [26] is a D shaped cavity and the key [44] is a D shaped insert sized to be received in the D shaped cavity.

Regarding claim 11, Sullivan et al. teaches in figures 1-10 the antenna according to claim 9 wherein the key [44] is a pin and the keyway [26] is a slot sized to receive the pin.

#### ***Allowable Subject Matter***

4. Claims 3-8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed October 15, 2007 have been fully considered but they are not persuasive.

Applicant argues that Sullivan et al. does not disclose a transmission line in each of the whip and the mount or in each of the lower and upper section assemblies. This

argument is not deemed to be persuasive because First, the electrically conductive tube [64] is used as transmission line in order to the lower end of the tube is in electrical contact with the spring contact [56] and the lower end of the spring contact is in electrical contact with the contact pad of the receiving and transmitting circuitry of the communication device (See col. 1, lines 66-67, col. 2, lines 1-7 & col. 3, lines 55-59). And Second, it has been held that the recitation that an element "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-Chao Chen whose telephone number is (571) 272-1819. The examiner can normally be reached on Monday-Thursday from 7 AM to 5:30 PM, Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Shih-Chao Chen  
Primary Examiner  
Art Unit 2821

  
**SHIH-CHAO CHEN**  
**PRIMARY EXAMINER**

SXC  
October 29, 2007